



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 23, 1998

Ms. Regina Atwell
City Attorney
City of Cleburne
P.O. Box 677
Cleburne, Texas 76033-0677

OR98-2272

Dear Ms. Atwell:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 118214.

The Cleburne Police Department (the "department") received an open records request for "any police activity reports, driving under the influence of alcohol, drug offenses or arrests from January 1, 1996 to the present time" concerning a named individual. You state that the only responsive documents held by the department are those pertaining to pending criminal charges against the named individual. You contend that, except for the front page of the offense report, which has been released to the requestor, the requested information is excepted from required public disclosure pursuant to section 552.108(a)(1) of the Government Code.

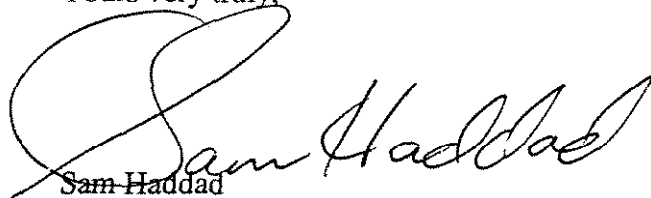
Section 552.108(a)(1) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if release of the information would interfere with the detection, investigation, or prosecution of crime[.]" Because you have informed us that the records at issue pertain to a pending criminal prosecution, we conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. You therefore may withhold most of the requested information at this time pursuant to section 552.108(a)(1).

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Because you have raised no other exception to disclosure, the city must release these types of information in accordance with *Houston Chronicle Publishing Company v. City of*

Houston, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with a large loop at the beginning.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/RWP/mjc

Ref.: ID# 118214

Enclosures: Submitted documents

cc: Mr. Marley Jones
P.O. Box 584
Cleburne, Texas 76033-058
(w/o enclosures)

¹We note, however, that the city must withhold pursuant to section 552.130 of the Government Code all information that relates to 1) a motor vehicle operator's or driver's license or permit issued by an agency of this state or 2) a motor vehicle title or registration issued by an agency of this state.